

# ***LUNENBURG PLANNING BOARD TOWN OF LUNENBURG***

Emerick R. Bakaysa, Chair  
Joanna L. Bilotta, Vice-Chair  
Thomas W. Bodkin, Jr., Clk.  
Robert J. Saiia, Mbr.  
Nathan J. Lockwood, Mbr.  
Marion M. Benson, Planning Director



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Minutes  
July 12, 2010

Meeting Posted: Yes

Place: Ritter Memorial Building, 960 Massachusetts Avenue, Lunenburg, MA 01462

Time: 6:30 PM

**ROLL CALL:** Emerick R. Bakaysa, Nathan J. Lockwood, Joanna L. Bilotta, Robert J. Saiia, Marion M. Benson

Absent: Thomas W. Bodkin Jr.

## **APPOINTMENTS:**

**Emerald Place Development Co, LLC, Emerald Place at Lake Whalom-** Present for the Applicant- Gary Crossen, Patrick Slattery, Carl Pearson, Steve Callahan, Jack Sullivan, Jay Hoag; Applicant's Engineer Anthony Cleaves; and Planning Board Reviewing Engineer David Ross. Mr. Slattery introduced the Modification Plan. Mr. Pearson presented the Plan in detail showing the original design and the new design prepared by the designing team. The design showed the use of the acquired parcels purchased from Rhonda Newman with roadway changes and new structure placement. Also presented was a new style of residential units entitled "villas". These units are one floor living and handicap ready. Twelve (12) of these units will be placed on the "beach parcel". The new design allows for approximately eighteen (18%) percent additional green space. There is twenty (20) feet between structures with windows on all sides. There is no basement; each unit will have "crawl" space. There will be a total of 238 units of the allowable 240 units. The design does not include any residential dwellings on the Pierce Avenue parcel.

**ANR Plan- Town of Lunenburg, 1079 Massachusetts Avenue (Jones House)-** Presented by Steve Marsden, Marsden Engineering & Associates. Mr. Marsden gave a history of the Jones House dating back to the donation by Mr. Dickinson, who specified the land be used for Town purposes. Also explained was the Town's option under Protective Bylaw of the Town of Lunenburg, Section 5.1.6.1, which allows when land is taken for public purposes, it can be divided from the original lot which presently houses the Teen Center and the Eagle House. Further explained under Chapter 40A MGL, land used for public purposes and owned by the Town is exempt from zoning; therefore the ANR plan presented can be signed as is by the Planning Board.

**MINUTES – APPROVAL:** Signed Executive 6-14-10, Motion, Mr. Lockwood, Second, Ms. Bilotta, Motion passed. Signed 6-14-10, Motion, Mr. Lockwood, Second, Ms. Bilotta, Motion passed.

**Member's Appointment: DPW Facility Building Committee-** Article 27, Section 1 of the Town Bylaws required appointment of a member of the Planning Board. Motion made by Chair Bakaysa to appoint Joanna Bilotta as the Planning Board Representative, Second by Nathan Lockwood. Director to submit name to Board of Selectmen.

## **COMMITTEE REPORTS:**

**MJTC-** MJTC Evaluation Criteria Summary for FY2011-2013 TIP presented. Copy on file in Planning Office.

**MRPC-** Correspondence presented regarding draft 2011-2014 TIP and Draft Unified Planning. Noted Draft Regional Emergency Backup Power Sources Work Program and Regional Transportation Plan Workshops schedule. Data on file in Planning Office.

**MRPC Energy Advisory Committee; Draft Regional Emergency Back-Up Power Sources Disaster Mitigation Plan-** Plan created by consultant and forwarded through Planning Director for comment to Fire, School, and DPW Departments. Copy on file in Planning Office.

#### **PLANNING DIRECTOR'S REPORTS/NEW BUSINESS:**

**Planned Production-** Letter signed by the Select Board Chair will be submitted to the State Department of Housing and Community Development (DHCD) so units will be counted according to the Housing Strategy Plan.

**Subsidized Housing Inventory-** Director informed Board that letter was received from DHCD accepting 66 units (Tri Town Landing) to the Subsidized Housing Inventory. This brought percentage up to 3.66 percent (mandated quota is 10%).

**Green Community Task Force-** Task Force Chair Marsden explained pros and cons of the Stretch Code. He noted that the GCTF was reluctant to advise the Town to adopt the Code due to cost and restrictions. It was explained that a Wind Study needed to be performed, but funding could come from stimulus. There were bid openings for solar panels on the Middle School which Mr. Marsden noted would reduce energy cost from 12 cents to 7 cents per kilowatt hour.

**Open Meeting Law-** Director noted new requirements of Open Meeting Law. Members received document noting the top 10 changes in the new Open Meeting Law and Procedures for Convening Executive Session. The new Law and other data sheets on file in Planning Office.

**CLURPA—Comprehensive Land Use Reform and Partnership Act-** Director noted that the Act has come out of committee and is ready for public hearings. Its intent is to modernize land use and zoning laws. This Act will also affect Master Planning. The Act is on the Internet and on file in the Planning Office. Director is reviewing the Act and will bring pertinent parts forward to the Board.

**Sewer Commission-** Director noted letter received from Sewer Commission clarifying that the privilege fee of 50% of a prior betterment amount pertained to sewer extensions only. Subdivisions connecting to the sewer main will still receive a privilege fee of 100% of the previous betterment amount or \$11,551.47.

**Eagle House-** The Eagle House Expansion Committee has voted to hire Hudson Design Group for the engineered plan of the new parking construction. The Committee is working with Shelly Hatch of MRPC for a construction grant.

**Lunenburg Pet Care Center-** Director informed the Board that the Applicant will go before the Zoning Board of Appeals (ZBA) at its August meeting. Discussion ensued concerning the issue of placing a commercial site in a residential zone. Protective Bylaw of the Town of Lunenburg, Section 4.2.2.1. allows the ZBA to grant/not grant a Special Permit to do so. A clarification of the Bylaw wording was sent to Town Counsel. The response was that the Bylaw is legal and the right to issue a Special Permit is within the empowerments of Section 4.2.2.1. The Planning Board comments include the issue of spot zoning and that the Bylaw stretches the intent and purpose of the special permit. The Director was instructed to compose a draft letter for the Board's review. The letter, once approved, will be sent to the ZBA.

**United Parish of Lunenburg - Conceptual-** Director notified the Board that the United Parish wants to enlarge the church building to incorporate functions presently carried on at the Parish House (across Main St). Since it is a non-conforming building, United Parish will have to go before the ZBA.

#### **DEVELOPMENT STATUS REPORTS:**

##### **Emerald Place at Lake Whalom-**

*Open House-* Reminder of Open House, July 14, 4-7 PM.

*Presentation of Modification (see Appointment above).* Discussion noted concern over the removal of the "Club House" because parking at that site was granted to the Town for lakefront parking when club house was not in use. Further discussion was that the Applicant could construct a boardwalk of the property connecting the Town Beach and the beach in front of the area where the clubhouse was planned and now shows 12 villa units. Concern that the parking for the Town Beach was on the roadway and this suggestion would alleviate the problem. Chair asked for clarification of Modification. Is the Modification to just the Site Plan (including drainage, roadway and storm water management) or does it include residential structures also.

*Roundabout-* Report showed that the roundabout is 2/3rds completed. There are still issues around the Pond Street entrance. Applicant will work on area now instead of in the spring as first declared. Safety is a major issue in finishing the roundabout and placing signage now. Involved are the Police Chief and DPW Director.

*Progress Report and Fire Protection-* Work is continuing on the duplexes and the large building. A structural engineer under the Building Inspector is inspecting the large building for compliance and safety. A Fire Specialist is reviewing the submitted Fire Plan for code under the Fire Chief.

**Tri Town Landing-** Building is proceeding according to schedule. The Fire Protection Plan is still in review. It is taking a longer time to finalize. The Applicant is working with Fitchburg on water and sewer contracts. The water calculation will be calculated on the fire supply also.

**Highfield Village-** Sewer Commission notes that they accept location of the sewer plan presented in a preliminary design and request a peer review by a separate firm - Wesson and Sampson. Once the final sewer plan is accepted by the Commission, it will have to be reviewed by the Planning Board relative to the site plan.

**Stone Farm-** Report noted that continued work is being done on Units 1, 2, 6, 37, & 40.

**Master Planning-** Goals and Community Facilities and Services tabled. A workshop meeting will be arranged.

**UNFINISHED BUSINESS:**

See above Planning Director's Reports and Development Status Reports

Citizen Request- Attorney Robert Bowen submitted thank you letter for the time spent on his request and sent a packet on the subject of non-smoking in the large development buildings.

**DATA INFORMATION:** Data folder containing items of interest not on agenda presented to members for viewing.

**MEMBER INFORMATION AND ISSUES:** Director reported that she has requested a scanner for the office.

**EXECUTIVE SESSION:** Chair requested a vote to enter Executive Session to discuss litigation of Aro Estate, not to return to general session. Motion, Ms. Bilotta, Second, Mr. Saiia, Roll Call Vote, Chair Bakaysa, yea; Ms. Bilotta, yea; Mr. Saiia, yea; Mr. Lockwood, yea.

**ADJOURNMENT:** 9:25 PM, Motion, Ms. Bilotta, Second, Mr. Saiia, Motion passed.

Attachments:

1. MJTC Evaluation Criteria summary – FFY 2011-2013 TIP
2. Top 10 Changes in the New Open Meeting Law, Kopelman and Paige, P.C.
3. Procedures for Convening Executive Session, Kopelman and Paige, P.C.
4. MRPC electronic mail re Draft FFY 2011-2014 Montachusett Transportation Improvement Program (TIP) and Draft October 1, 2010-September 30, 2011 Unified Planning Work Program (UPWP)